IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.10095 OF 2004

Balu Tatoba Birnale & Ors. ...Petitioners.

Vs.

Dayappa Magyappa Kavtekar
since deceased by his heirs & L Rs.
Smt.Abubai Dayappa Kavtekar since
deceased by her heirs & L Rs
Ramu Dayappa Kavtekar & Ors. ...Respondents.

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Mr. G.S. Godbole for the Petitioners.
Mr. N.D. Hombalkar for Respondent No.1D.

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CORAM : DR.D.Y.CHANDRACHUD, J.

April 26, 2005.

P.C.:

An application for the appointment of the Court Commissioner under Order 26 Rule 9 of the the Code of Civil Procedure, 1908 was moved in February 2004, 23 years after the suit had been instituted. The Learned Trial Judge was justified in dismissing the application. This petition is rejected. However, having regard to the fact that the suit is pending since 1981, Learned Trial Judge is requested to expedite the trial of the suit and to endeavour to dispose of by the end of 2005.

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